

Exhibit "C"
Transcript of Judge Gaul hearing
3/3/2015

1 THE STATE OF OHIO,)

2) SS: DANIEL GAUL, J.

3 COUNTY OF CUYAHOGA.)

4 IN THE COURT OF COMMON PLEAS

5 CIVIL DIVISION

6 WILFRED L. ANDERSON)

7 Plaintiff,)

8 -v-)

Case Nos. CV-820186,
CV-820051

9 LUANN MITCHELL and)
10 MITCHELL BARNEY, DDS,)

Defendants.)

11 - - - -
12 TRANSCRIPT OF PROCEEDINGS
13 - - - -

13 Whereupon, commencing on Monday, March 2nd, 2015
14 this cause came on to be heard before the Honorable
15 Daniel Gaul, in Courtroom No. 19-D, Courts Tower,
Justice Center, Cleveland, Ohio, upon the pleadings
filed heretofore.

16 APPEARANCES:

17 WILFRED L. ANDERSON, Pro se,

18 on behalf of the Plaintiff;

19 LUANN MITCHELL, Pro se,

20 on behalf of the Defendant.

21
22 MITCHELL BARNEY, DDS, Pro se,

23 on behalf of the Defendant.

24 Ilene White, RMR-CRR
25 Official Court Reporter
Cuyahoga County, Ohio

MONDAY AFTERNOON SESSION, MARCH 2ND, 2015

THE COURT: This is Case Number 820186. The first case is captioned Wilfred L. Anderson versus Mitchell Barney, DDS.

The second case is captioned Wilfred L. Anderson versus Luann Mitchell.

All three parties are present in the courtroom. This case is set for trial.

All three individuals are representing themselves pro se.

Court's had an hour-and-20-minute conversation with the parties in an attempt to get a resolution on this and other cases that these three individuals have been involved in for many years now.

And I believe we have the basis of a settlement that I want to place upon the record.

First of all, the parties agree to dismiss their claims and counterclaims in this case at this time.

The parties are going to agree to the following: Number one, that they will not harass, intimidate, or contact the other side,

1 that none of the three individuals -- and we
2 should indicate that the Plaintiff and
3 Defendants agree that they shall not contact,
4 demean, diminish, harass, intimidate, contact
5 -- means contact personally, telephonically,
6 electronically or through persons.

7 They will no longer issue statements
8 about the other individuals. They will issue
9 no defamatory comments, no slanderous
10 comments.

11 They will no longer file lawsuits,
12 file civil stalking protection orders, or sign
13 affidavits about either side in this case
14 without the prior approval of this Court.

15 Now, there have been numerous
16 lawsuits, civil -- semi criminal actions,
17 civil stalking protection orders filed by the
18 parties herein.

19 And it's reached a point where if
20 there's another filing, the Court -- the first
21 thing the Court's going to do is look into the
22 issue of whether either side is a vexatious
23 litigator, but we won't have to worry about
24 that, because neither side of this lawsuit, in
25 these two cases, will file a lawsuit or civil

1 stalking and protection order in a
2 non-emergency situation without the prior
3 approval of this Court.

4 ~~The issues that have been raised in~~
5 this lawsuit, and in former lawsuits are
6 forever extinguished without either side
7 paying any damages.

8 Neither side will have any right to
9 bring a further action on any tortious conduct
10 that occurred prior to March 2nd of 2015.

11 So this essentially is an agreed
12 journal entry that vests jurisdiction upon
13 this Court.

14 This Court will have the right to
15 invoke the civil and criminal contempt power
16 if there is a violation.

17 A violation of this order should be
18 brought to the Court's attention in writing,
19 filed with the clerk, service to the other
20 side, service to the Court, at which time an
21 immediate hearing will be scheduled.

22 So there shall be no communication,
23 no discussion to third parties, no further
24 litigation, no further complaints.

25 Now, obviously, if there's an

1 emergent situation where a person's life is
2 threatened, they have a right to call the
3 police immediately.

4 But if that occurs, that also will be
5 a violation of this agreed judgment entry
6 because we are agreeing that there's no
7 contact.

8 Any physical contact within 500 feet
9 will -- will be brought to the Court's
10 attention, and the Court may find the contact
11 objectionable.

12 Obviously, I'm going to ask you to
13 please be responsible. If you happen to bump
14 into one another at a church or a ball game,
15 let's not use that as a basis for a motion to
16 show cause.

17 But, on the other hand, if there's
18 another civil stalking protection order that's
19 filed without the approval of the Court, if
20 there's another lawsuit, if there are more
21 letters and affidavits, letters to IRS, that
22 will immediately be brought to this Court's
23 attention. This Court will conduct a hearing,
24 and chips will fall where they may.

25 There are no damages that are owing

1 for any behavior prior to March 2nd of 2015.

2 And I cannot think offhand of any
3 issues that we need to add to this entry at
4 this time.

5 Yes, Dr. Mitchell Barney.

6 DR. BARNEY: Does that
7 include corporations?

8 THE COURT: Right. I want
9 to add that. Thank you very much for
10 reminding me of that.

11 The Plaintiff in this case will see
12 to it that Dr. Mitchell Barney's address is no
13 longer used in any of your corporate affairs.
14 You're to cease doing business together.

15 You will not be officers of the same
16 corporation. You will not be shareholders of
17 the same corporation.

18 You will have no business
19 involvement, whatsoever, and you shall not use
20 each other's address, identity, tax identity
21 to any governmental agency.

22 Any violation of that going forward
23 is going to be dealt with harshly. I'm going
24 to give Mr. Anderson 90 days to straighten it
25 out with the Secretary of State so that

1 Dr. Mitchell Barney's address is no longer
2 being utilized by the government agencies.
3 And I anticipate that some letters will again
4 come.

5 Do you know who you need to change
6 the address with, Mr. Anderson?

7 MR. ANDERSON: As far as I
8 know, your Honor, he has already changed it.

9 THE COURT: All right.

10 MR. ANDERSON: As --

11 THE COURT: If it's a
12 problem going forward, Doctor, and is on --
13 Dr. Mitchell --

14 DR. BARNEY: Excuse me, your
15 Honor. He lied about that, because only he
16 can change that. I have not attempted to
17 change because I'm not an officer of his
18 corporation, or anything like that.

19 THE COURT: Okay.

20 DR. BARNEY: And --

21 THE COURT: Mr. Anderson --
22 hang on.

23 what corporation are we talking
24 about?

25 DR. BARNEY: There's two,

1 your Honor. Anderson Systems, and the other
2 is Vaginice, Incorporated.

3 THE COURT: Are you
4 familiar, Mr. Anderson, with those
5 corporations?

6 MR. ANDERSON: I am.

7 THE COURT: You will take
8 steps to see to it that Dr. Mitchell Barney is
9 not affiliated in any way as shareholder,
10 officer or officer of the corporation and of
11 any corporation. And I'll give you 90 days to
12 comply with it.

13 That is long overdue, sir, long
14 overdue.

15 Anything else?

16 Yes, ma'am.

17 MS. MITCHELL: Just so I
18 understand, you're saying that in terms of the
19 lawsuits that are pending, there are responses
20 that I have out there that are pending?

21 THE COURT: They shall be
22 dismissed.

23 DR. BARNEY: One other thing,
24 your Honor. He also has his son's name
25 underneath my address that he needs to remove,

1 also.

2 THE COURT: Attorney Luann
3 Mitchell, what cases are pending?

4 MS. MITCHELL: Judge, I have an
5 issue with one of them, but, anyway, you said
6 that just so I'm writing notes. You said the
7 civil stalking protection issue. So we
8 will --

9 THE COURT: Withdraw it.

10 MS. MITCHELL: That will not be
11 necessary.

12 THE COURT: I would suggest
13 you withdraw.

14 MS. MITCHELL: You're saying,
15 so I need to understand. You're taking
16 control of that situation with him pursuing
17 me?

18 THE COURT: That's correct.

19 MS. MITCHELL: Okay.

20 THE COURT: And if there's
21 any probable cause, whatsoever, that he's in
22 violation of this order of this Court that's
23 been placed upon the record, there will also
24 be -- we were -- we will memorialize this in a
25 judgment entry, also.

1 If there's any suggestion that he's
2 called you, contacted you, sued you, grieved
3 against you, whatever, he's going to wind up
4 back in this talking to me about it, because
5 it's a violation of our agreed judgment entry.

6 MS. MITCHELL: Then I will
7 address that issue concerning the civil
8 protection stalking.

9 THE COURT: And you can tell
10 them that we had an hour-and-a-half hearing
11 here today, that we've issued essentially the
12 same anti-stalking order through this Court.
13 And that the Court maintains continuing
14 jurisdiction for the next five years, and that
15 you think that -- I hope you think that that
16 is the most efficient way of dealing with
17 these issues.

18 Mr. Anderson.

19 MR. ANDERSON: I have a
20 problem.

21 THE COURT: What's the
22 problem? And let's hear about your problem,
23 first.

24 MR. ANDERSON: As I understand
25 the stalking, the civil protection order --

1 THE COURT: Right.

2 MR. ANDERSON: -- there was a
3 unilateral hearing, and an order was issued
4 against me that's good until the day after
5 tomorrow, at which time I get an opportunity
6 to question it.

7 THE COURT: Right. And let
8 me explain what's going to happen.

9 That order will expire.

10 MR. ANDERSON: I understand.
11 It will expire in two days.

12 Now, she has made false statements
13 about me.

14 THE COURT: Uh-huh.

15 MR. ANDERSON: She says she
16 needs to be protected from me. She hasn't
17 seen me or heard from me in any --

18 THE COURT: She is
19 withdrawing that request for civil stalking
20 protection order.

21 MR. ANDERSON: It expires, but
22 the purpose -- the purpose of the second
23 hearing was for me to share my side.

24 What you're doing now is leaving her
25 side memorialized, without -- without --

1 THE COURT: But hang on a
2 second and let me just explain to you.

3 MR. ANDERSON: Okay.

4 THE COURT: There was an ex
5 parte, one side issued an order -- order
6 issued, okay? Nothing I do, nothing that's
7 done in Cleveland Heights tomorrow, the next
8 day or --

9 MR. ANDERSON: It's here.

10 THE COURT: Civil stalking
11 protection order. Here tomorrow, with what
12 Judge?

13 MR. ANDERSON: Gallagher.

14 THE COURT: Nothing that
15 Judge Gallagher does tomorrow is going to go
16 back and undue the ex parte order.

17 The ex parte order was granted. It's
18 there. If there's a reference to it, there's
19 always going to be a reference to it.

20 We're not here to figure out who shot
21 John, as my father would say.

22 It's he said, she said. I'm not
23 interested any more. I've had a fill of it.
24 The community's had a fill of it.

25 This is a waste of resource of the

1 government, okay?

2 I'm not interested in your hurt
3 feelings at this point. We're trying to
4 resolve this litigation.

5 MR. ANDERSON: Not just my hurt
6 feelings. The record will show that there was
7 an order, and it was not retracted. It was --
8 it expired.

9 In a second hearing, that hearing --

10 THE COURT: You are
11 repeating yourself.

12 MR. ANDERSON: All right.

13 THE COURT: And what I'm
14 telling you is even if you were successful at
15 a second hearing, the first order is issued,
16 and that's it. It's in effect, it can't
17 unring a bell.

18 MR. ANDERSON: But they say
19 that we're not proceeding to the second phase.

20 THE COURT: But I think by
21 her withdrawing her request she's saying just
22 that. The issues are not proven, they're not
23 established.

24 They're mere allegations, and they
25 were dismissed, just like this lawsuit.

1 MR. ANDERSON: I'll let it go.

2 THE COURT: Thank you.

3 MS. MITCHELL: Okay, and then

4 the second one that I have is I have the -- he
5 sued me.

6 And the caption on the case is
7 wilfred Anderson versus the CMHA, and Luann
8 Mitchell.

9 And in that lawsuit Mr. Anderson said
10 that I contacted CMHA and told them that he
11 was selling or practicing medicine out of his
12 apartment.

13 Now, just for the record, Judge, I
14 didn't do that.

15 THE COURT: Is the suit
16 pending in this courthouse?

17 MS. MITCHELL yes.

18 MR. ANDERSON: It's stayed
19 because of her bankruptcy.

20 MS. MITCHELL: No, it's not.

21 THE COURT: Mr. Anderson,
22 guess what we're going to do, too. We're
23 going to have that case dismissed, too.
24 That's water --

25 MR. ANDERSON: I've already

1 agreed to that.

2 MS. MITCHELL what's going on
3 is I filed an answer and a counterclaim.

4 THE COURT: He's going to
5 dismiss it. Are you going to dismiss your
6 counterclaim?

7 MS. MITCHELL: That's where we
8 are now. The Court agreed to hear the -- they
9 stayed his part, his complaint against me,
10 because of the bankruptcy, but they agreed to
11 move forward on the answer in the
12 counterclaim.

13 THE COURT: I think what
14 we're agreed to do here today is dismiss that
15 lawsuit. And both sides will dismiss --

16 MS. MITCHELL: And that's where
17 we are.

18 THE COURT: -- their
19 respective claims.

20 And in that lawsuit, it was a request
21 to have him declared a vexatious litigator, as
22 well.

23 And what we'll do is this, and what
24 I've said is this. If there's any violation
25 on either side of this order, the first thing

1 I'm going to look into is what's the
2 violation?

3 If a person files another lawsuit,
4 we'll look into the vexatious statute. We're
5 trying to terminate litigation here, so I'm
6 glad you brought that to my attention.

7 Are there any other issues that we
8 need to deal with?

9 MS. MITCHELL: And then the
10 third issue was, as I indicated to you before,
11 I was only in bankruptcy for just a couple of
12 months. It was in and out.

13 And I did receive my relief from the
14 State. That was back in 2013; however,
15 because Mr. Anderson continued to sue me, sue
16 me, sue me, and he wants to say three
17 lawsuits, that's patently not true, there have
18 been a bevy of more than three.

19 I did file a complaint for violation
20 of the automatic stay because Mr. Anderson
21 caused -- Mr. Anderson, I don't talk when
22 you're talking. Please don't do that to me.

23 MR. ANDERSON: I don't tell
24 tales.

25 THE COURT: I'd like to

1 terminate. All of this is really sort of
2 moot, because, presumably, all litigation by
3 either side against the other shall terminate.
4 You shall cause it to be dismissed; and any
5 right, title or cause of action, claim or
6 counterclaim that you have against the other
7 side, pursuant to this settlement agreement,
8 is forever diminished.

9 And the Court has continuing
10 jurisdiction. If there is a violation, you
11 won't have to worry about years and years and
12 years of litigation. Someone's going to be
13 going to jail if there's a violation, and the
14 Court feels that's an appropriate sanction.

15 MR. ANDERSON: Does that
16 include in the federal bankruptcy Court in
17 which she's filed a case against me?

18 THE COURT: Any cause of
19 action, any claim, any counterclaim shall be
20 dismissed against you.

21 There's no reason for these parties
22 to maintain any action against each other
23 because you have no right, title, or cause of
24 action to have anything occurring prior to the
25 signing of the settlement agreement here.

1 We just wrap it up, and we put it in
2 a nice bow, and we put this package on a high
3 shelf.

4 MR. ANDERSON: I agree.

5 MS. MITCHELL: I have one
6 question. In terms of me -- and I agree with
7 your principle, Judge.

8 And I certainly appreciate you coming
9 in interceding. It's been a long time.

10 However, I do need to confer with
11 someone about the Federal Court issue.

12 THE COURT: What is that?

13 MS. MITCHELL: That's the one
14 where there was a complaint for violation of
15 the automatic stay.

16 THE COURT: For the filing
17 of this lawsuit?

18 MS. MITCHELL: No, it's not
19 just for this. It's for all the ones he's
20 been filing. It's not just for this one.

21 THE COURT: Okay. Did you
22 list those cases in your bankruptcy petition?

23 MS. MITCHELL: Some of them
24 were not filed. Some were.

25 THE COURT: You're entitled

1 to a stay for any debts or any actions or
2 rights that people are perfecting against you
3 if you list them. If you do not list them,
4 then, arguably, the case isn't stayed.

5 what I'm saying to you is, you
6 explained to me in one instance you didn't
7 stay this case because you decided not to.
8 Okay, fine. If there's another case where you
9 did and he violated it, well, okay, we don't
10 care, because at this point forward, we're
11 going forward. I'm not looking back.

12 MS. MITCHELL: Okay. So then
13 you're asking me was it other cases besides
14 this, and the answer is yes.

15 THE COURT: Okay.

16 MS. MITCHELL: And that is --
17 bankruptcy is federal law. Obviously this is
18 state court. And as I indicated to this
19 Court, before I can agree to not move forward
20 on the federal case, I need to double check
21 something.

22 THE COURT: Wait a second.

23 MR. ANDERSON: I can solve
24 this.

25 THE COURT: Go ahead.

1 If you can solve it, solve it.

2 MR. ANDERSON: I can at least
3 mediate. She's talking about an adversarial
4 case against me in the federal bankruptcy
5 court.

6 I don't mind letting that go forward.
7 I would appreciate it if, in our mobile mode
8 of reconciliation, you leave that, because I
9 look forward to challenging lies she claims.

10 THE COURT: Hang on a
11 second. Mr. Anderson, you're going right back
12 to square one with this thing. Hang on a
13 second.

14 I'm going to tell you something right
15 now, Luann Mitchell. You're either going to
16 agree to drop anything, federal or state, or
17 I'll just leave this thing percolate, and you
18 can do this for the next 10 years, okay?

19 If he violated a bankruptcy stay for
20 a case that's no longer being litigated, I
21 think the issue is moot in the bankruptcy
22 court.

23 They're not going to sanction
24 somebody that they can't get any damages for
25 in any case. It's ridiculous.

1 If the claim is dismissed, the claim
2 is dismissed. Your claim against him will be
3 dismissed. That's just the way it's going to
4 be.

5 And for that to prevent us reaching
6 the goal of a resolution is just penny-wise
7 and thought foolish.

8 I think I've placed upon the record
9 the essential nature of what we've agreed to.

10 I'm going to ask my staff attorney to
11 draw up some kind of a mutually agreed -- a
12 mutual entry, and agreed journal entry that
13 all of the parties will sign, and that the
14 Court will docket, okay?

15 Now, if there's any potential
16 violation, how are they dealt with?

17 MS. MITCHELL: Any emergent
18 situations that involve great bodily harm
19 should obviously be subject to a police
20 response.

21 Hopefully, that's not going to
22 happen. Hopefully everybody's going to act in
23 a reasonable fashion under the law.

24 In the event that there is some
25 continuing harassment, or stalking, or phone

1 calls or contact or litigation, or civil
2 stalking, protection orders, or any perfection
3 of rights by one side against the other to
4 this litigation, without the prior approval of
5 the Court, the offended party shall
6 immediately file a motion to show cause.

7 You may file it pro se, walk a copy
8 through. I will schedule a hearing
9 immediately.

10 And, as I say, the Court's
11 maintaining civil and criminal contempt.

12 So, hopefully, the reasonable parties
13 here recognizing that there were irrevocable
14 issues, decided to do the responsible thing
15 and to end this with this agreement going
16 forward.

17 So I hope this provides all of you
18 with some closure.

19 Zak Walker, my staff attorney, will
20 be working with you to come up with the
21 wording.

22 Hopefully it can be done today. I
23 don't know. The hour's quite late. It might
24 be necessary for you to submit proposed
25 language to me today, at which I may add or

1 detract from and have you all come back to
2 court tomorrow, sometime this week and sign.

3 But it's going to be necessary for
4 all of you to sign on the dotted line so that
5 you may understand that we're going to keep a
6 close eye on this.

7 DR. BARNEY: Your Honor --

8 THE COURT: Yes, sir.

9 DR. BARNEY: -- I have some
10 business I have out of town as of tomorrow. I
11 will be back Friday, so if I can't sign it
12 tomorrow, I can do it Friday.

13 THE COURT: Here's what I
14 will do, then.

15 Zak, what's you're feeling on this?
16 Are we going to write it, or do you want a
17 proposal from them.

18 MR. WALKER: I'm happy to
19 write it. Perhaps we can just have it signed
20 on Friday.

21 MR. ANDERSON: I have no input.

22 THE COURT: Fine. Are the
23 parties available to sign this document on
24 Friday.

25 DR. BARNEY: I will.

1 MR. ANDERSON: Can you make it
2 Monday?

3 THE COURT: what is your
4 capability, Dr. Mitchell Barney?

5 DR. BARNEY: I will be
6 working Monday. I have a seminar downtown,
7 and I will be able to come downtown and sign
8 it when it's ready, but Monday is out of the
9 question, because I had already -- he's
10 retired.

11 THE COURT: What I'm going
12 to do, I'm going to have my staff attorney
13 sort of work on this document. He will work
14 on it in conjunction with myself this week.
15 We will draw up this journal entry, and my
16 staff attorney will contact the respective
17 parties to schedule a time to come to the
18 courthouse to execute a document.

19 In the meantime, however, the Court
20 is, by virtue of this hearing and this
21 transcript, ordering this agreed journal entry
22 into place.

23 And all of you are sitting before me.
24 We've discussed this now for nearly two hours.
25 About an hour and 40 minutes, so all of you

1 have been made aware.

2 You have actual and constructive
3 knowledge of what is in this order. And I
4 expect it to be maintained very aggressively.

5 I know that this won't take away all
6 of the hurt and frustration and anxiety and
7 stress mentioned, but I do hope it provides
8 some degree of closure.

9 Mr. Anderson, would you like to say
10 anything in conclusion?

11 MR. ANDERSON: I have a
12 question.

13 THE COURT: And I'll give
14 everybody an opportunity to be heard and
15 answer final questions.

16 MR. ANDERSON: One of the suits
17 involve CMHA and Luann Mitchell, and she was
18 stayed because of the bankruptcy. This
19 doesn't affect my suit against CMHA, does it?

20 THE COURT: Well, let me
21 stop you there for a second. She must be
22 dismissed as a party to that lawsuit.

23 MR. ANDERSON: No problem.

24 THE COURT: Okay. What is
25 your suit against CMHA?

1 MR. ANDERSON: Someone made a
2 call to CMHA to say that I was practicing
3 medicine in an apartment without a license.
4 And they came to inspect the apartment.

5 THE COURT: Okay.

6 MR. ANDERSON: That was a
7 violation of privacy.

8 THE COURT: Okay. And you
9 moved out of that apartment?

10 MR. ANDERSON: No. Still
11 there.

12 THE COURT: Okay. So you're
13 suing CMHA over that?

14 MR. ANDERSON: For an invasion
15 of privacy. As a matter of fact, we settled
16 that, and parts of it is settled. So
17 that's --

18 THE COURT: well, what I
19 recommend you do is that you settle the other
20 part. Obviously, this individual, Luann
21 Mitchell, will be dismissed.

22 MR. ANDERSON: She has already
23 been --

24 THE COURT: And she will not
25 be called as a witness, and she will not be

1 deposed unless you obtain the prior approval
2 of this Court, because that is what you agreed
3 to, because you would be in violation of the
4 contact order if you contact her.

5 MR. ANDERSON: I have no
6 problem with that. what we're doing is
7 sorting through the telephone records now.

8 So if we show that the false police
9 report call came from a telephone that she
10 controls, then I'll come back to you and ask
11 if that's appropriate. Is what you're telling
12 me to do?

13 THE COURT: well, a couple
14 of things.

15 MR. ANDERSON: Okay.

16 THE COURT: First of all, I
17 would hope that you would terminate this
18 litigation against CMHA, because you've told
19 me it's virtually been resolved.

20 Now, if you're continuing to litigate
21 over the issue of who tipped off CMHA police,
22 that would be --

23 MS. MITCHELL: To an anonymous
24 line.

25 MR. ANDERSON: That would be

1 her.

2 MS. MITCHELL: And it's not me.

3 THE COURT: Mr. Anderson, I
4 want you to be somewhat cooperative doctors in
5 this regard.

6 This woman has repeatedly denied, in,
7 my presence, that she made any phone calls to
8 CMHA about you practicing medicine.

9 MR. ANDERSON: I understand.

10 THE COURT: I'm going to
11 take her at her word. And the basis of this
12 lawsuit is -- the basis of the settlement is
13 just that.

14 Now, if you find because you just are
15 like a dog with a bone, and you just can't
16 give up that CMHA lawsuit, that she is the
17 person that made the calls, then what would
18 you do?

19 MR. ANDERSON: You told me I
20 can't sue her.

21 You told me I can't sue her.

22 THE COURT: Unless,
23 unless --

24 MR. ANDERSON: Unless I come to
25 you.

1 THE COURT: Right.

2 MR. ANDERSON: I have no
3 problem with that. The question was now that
4 she is removed from that suit, your order
5 doesn't affect my relationship or interaction
6 with CMHA?

7 THE COURT: No. I presume
8 you can go after CMHA if you want. However,
9 I'm just going to tell you.

10 You saw what happened to the other
11 guy who was all cut up with his ego at CMHA,
12 lost his job, lost his place.

13 I'm just saying, you're sort of
14 biting the hand that feeds you a little bit.

15 MR. ANDERSON: I live there,
16 and I just want to make sure.

17 THE COURT: But the attorney
18 has told me, she was not the origin, and I
19 take her at her word.

20 MR. ANDERSON: She was
21 disbarred for lying to the Court.

22 MS. MITCHELL: I wish he would
23 stop telling people I've been disbarred. I'm
24 not going to let him deviate.

25 THE COURT: Mr. Anderson,

1 are you ever going to stop? Are you ever
2 going to stop?

3 MR. ANDERSON: Today. Today.

4 THE COURT: For you, right
5 now, an hour and 50 minutes, into this
6 conversation, making those kinds of statements
7 after we have agreed to settle this is, to
8 me -- is just -- it's counterproductive.

9 MR. ANDERSON: I understand,
10 your Honor.

11 THE COURT: It's
12 counterproductive.

13 MR. ANDERSON: But you told me
14 that you were taking her word for it without
15 any proof or evidence.

16 THE COURT: What I'm saying
17 to you is, as you sit here right now, you do
18 not know who tipped off CMHA. But you think
19 you know. You think you know.

20 And maybe it was her, and maybe it
21 wasn't her. And what I'm suggesting to you
22 is, if you find out that it was her, okay,
23 and, therefore, you say, Judge, I want to
24 maintain this action against her, here's the
25 proof, here's the probable cause, I will look

1 at it and weigh it, and I will determine if
2 this Court authorizes -- this is the best I
3 can do.

4 MR. ANDERSON: Your Honor, I
5 understood that. This was not a question
6 about that. It had nothing to do with Luann
7 Mitchell. The question was the other side.
8 That's all.

9 THE COURT: But she shall
10 not be deposed. You won't send her
11 interrogatories, you won't list her as a
12 witness.

13 MR. ANDERSON: I have no
14 problem with that.

15 THE COURT: If both sides
16 agree to what we've outlined here today,
17 there's no problem going forward.

18 MR. ANDERSON: I have no
19 problem. I just wanted to make sure it didn't
20 affect the other side. That's all.

21 THE COURT: How much of your
22 working time -- how much of your daily life
23 has been absorbed in all these lawsuits,
24 percentage of your time?

25 MR. ANDERSON: Percentage?

1 THE COURT: Yeah.

2 MR. ANDERSON: About one hour a
3 month.

4 THE COURT: That's all?

5 MR. ANDERSON: Your Honor, I
6 have -- to me, it's not a big -- it's not a
7 big waste of time. It's very efficient. Very
8 little.

9 THE COURT: Good. Then you
10 won't have much of a change in your daily
11 routine.

12 MR. ANDERSON: None,
13 whatsoever.

14 THE COURT: Okay. Thanks
15 very much. And I did want to give everybody
16 an opportunity.

17 Dr. Mitchell Barney, is that fair
18 enough?

19 DR. BARNEY: It's fair
20 enough, as long as he leaves my name out of
21 this. Whatever it's been -- whatever's been
22 approved by the Court, I'm happy with, but he
23 has to stop slandering my name.

24 MR. ANDERSON: I have a
25 request.

1 THE COURT: Luann Mitchell,
2 is this acceptable to you?

3 MS. MITCHELL Yeah. I just
4 really wanted to say one thing just for your
5 edification.

6 Again, I thank you so much, first of
7 all, I really do.

8 But in terms of the CMHA case,
9 there's also an affidavit in that case from a
10 lady who is, I believe, an officer, vice
11 president of a tenant's union that
12 specifically says that doctor -- I mean,
13 wilfred Anderson approached her about
14 providing medical services, and there was some
15 contact concerning that she did.

16 So, again, I just -- he's just
17 clever, so he twists the truth and bends it,
18 but if we can stick to what you have stated, I
19 think it's something that at least I can live
20 with, as long as he stays away, and you're
21 retaining jurisdiction.

22 THE COURT: Yes, we shall.

23 MS. MITCHELL: And he's not
24 clever and can't figure out to a way to come
25 at me without coming to you first?

1 THE COURT: No.

2 MR. ANDERSON: The address
3 thing that Mitchell Barney's talking about, I
4 would appreciate it if he would send me copies
5 of whatever he gets.

6 DR. BARNEY: No, that's for
7 you to resolve in 90 days.

8 MR. ANDERSON: I don't even
9 know -- the problem is I don't know what --

10 THE COURT: Let's look at
11 this very practically. Dr. Mitchell Barney is
12 probably receiving something from the federal
13 government or from the State of Ohio, office
14 of Attorney General or from the Ohio
15 Department of Taxation.

16 DR. BARNEY: I haven't
17 received that, your Honor.

18 THE COURT: what are you
19 receiving at your home, junk mail?

20 DR. BARNEY: Junk mail,
21 trying to get credit, something like that. I
22 return it to the post office, wrong address,
23 return to sender. The only thing I can do.

24 MR. ANDERSON: I have no idea.

25 DR. BARNEY: Credit cards,

1 credit cards he's been applying for.

2 MR. ANDERSON: Is that me
3 personally?

4 THE COURT: We've given
5 Mr. Anderson 90 days to change the shareholder
6 and statutory acts and so forth on the
7 corporations.

8 What I would suggest you do,
9 Dr. Mitchell Barney, if you receive anything
10 in the corporate name at that time your
11 address, you will take these letters. You
12 will place them in a legal sized manila
13 envelope, or envelope that seals.

14 And you will mail them to whatever
15 address this individual gives you without any
16 notes, or any communication.

17 You will, therefore, put him on
18 notice that the address needs to be changed.

19 DR. BARNEY: I attempted that
20 before, and he's ignored it.

21 THE COURT: Well, he won't
22 ignore it now, because if it continues to
23 occur after 90 days, if you're still listed as
24 the statutory agent after 90 days, what are
25 you going to do?

1 DR. BARNEY: Present the
2 information to you.

3 THE COURT: Exactly.
4 You'll file a motion for show cause, and we'll
5 all get together again.

6 Now, I anticipate that I may be
7 talking to you all again, because I think if
8 we were all reasonable people, we wouldn't be
9 here now, but that's okay.

10 Sometimes it takes two or three times
11 for people to get the message, but I will tell
12 you this.

13 If another two hours of the taxpayers
14 and citizens of Cuyahoga County's time is
15 wasted in this dynamic, and someone has
16 obviously violated a spirit or intent of our
17 agreed journal entry, they are probably going
18 to spend at least 24 hours in the County Jail.

19 Because I just have got to put an end
20 to this mindless litigation.

21 So it's the best I can do. I want to
22 thank each and every one of you for working
23 with me on this resolution, and I hope that it
24 works for all involved.

25 Yes, sir.

1 DR. BARNEY: And thank you
2 for your time, and, certainly, resolving this
3 matter, and I would like to have some type of
4 proof that he is changed these corporations,
5 name and address if he could present it to me,
6 so this way we don't have to --

7 THE COURT: The proof will
8 be in the lack of notices that you receive.
9 If you continue to receive them.

10 DR. BARNEY: After 90 days.

11 THE COURT: After 90 days,
12 just note it. It may take some sometime.
13 I'll have Zak walker contact Mr. Anderson and
14 say, what's going on here, and I don't want to
15 hear at that point, well, my son won't return
16 my phone calls, and my son this, and my son
17 that.

18 MR. ANDERSON: I understand.

19 THE COURT: You need to take
20 care of this.

21 MR. ANDERSON: I will take care
22 of it. I would like to know the last time he
23 got one of these notices. I think it's been
24 years.

25 DR. BARNEY: I've just been

1 sending them back to the post office. Return
2 to sender, and that's it.

3 THE COURT: Sometimes it's
4 hard getting on the unsubscribe list.

5 All right, everybody. That's as good
6 as I can do here today.

7 MR. ANDERSON: And thank you,
8 your Honor.

9 THE COURT: Thank all of
10 you, and let's go in peace.

11 Would you be so kind, give you an
12 opportunity to leave the courtroom first, take
13 the elevators down. I don't want anything to
14 blow up right away.

15 Let's everybody be reasonable.

16 MR. ANDERSON: That won't be an
17 issue, but I will. Thank you.

18 THE COURT: Pleasure.

19 Nice to meet you all. Good luck
20 going forward.

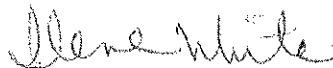
21 MR. ANDERSON: And thank you,
22 Judge.

23 ---o0o---

24 (Thereupon, proceedings were adjourned.)
25

C E R T I F I C A T E

I, Ilene White, Official Court Reporter for the Court of Common Pleas, Cuyahoga County, Ohio, do hereby certify that as such reporter I took down in stenotype all of the proceedings had in said Court of Common Pleas in the above-entitled cause; that I have transcribed my said stenotype notes into typewritten form, as appears in the foregoing Transcript of Proceedings; that said transcript is a complete record of the proceedings had in the trial of said cause and constitutes a true and correct Transcript of Proceedings had therein.



Ilene White,
Official Court Reporter
Cuyahoga County, Ohio